

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

John Scott Burris,

Plaintiff

v.

First Reliance Standard Life Insurance
Company,

Defendant

Case No. 2:20-cv-00999-CDS-BNW

Order Denying Plaintiff's Motion for Leave
to File Excess Pages

[ECF Nos. 84, 86]

I previously issued an order striking plaintiff John Burris's original reply brief (ECF No. 78) and errata (ECF No. 79) for failure to comply with the local rules regarding page lengths in reply briefs. *See generally* Order, ECF No. 82. On February 14, 2023, Burris re-filed a second reply brief that also does not comply with the local rules. And, one day late,¹ Burris filed an exhibit that should have been filed contemporaneous with the re-filing of his reply. ECF No. 85; *see also* LR 7-3(a) ("Replies in support of a motion for summary judgment are limited to 20 pages. Parties must not circumvent this rule by filing multiple motions.").

On February 15, 2023, defendant First Reliance Standard Life Insurance Company moved to strike plaintiff's second oversized reply brief. ECF No. 84. On the same day, plaintiff moved for leave to re-file the reply brief *sans* exhibits. ECF No. 86. He admitted that his second reply brief did not conform to the local rules because he did not read the full text of this court's prior order. *Id.* Burris's motion further asks to file a separate brief explaining why rebuttal exhibits should be permitted. *Id.*

This is the third time Burris has violated this district's local rules and asked for forgiveness post-hoc rather than reading and following the rules. But the re-filed brief still

¹ My previous order required Burris to re-file his reply by February 14, 2023. ECF No. 82.

1 violates the local rules as it was filed overlength without leave of court. *See* LR 7-3 (“A motion to
2 file a brief that exceeds [the page limits permitted by the local rules] will be granted only upon a
3 showing of good cause. A motion to exceed these page limits **must be filed before the motion**
4 **or brief is due.**”) (emphasis added). Just as I previously found, Burris’s reply brief contravenes
5 this district’s rules designed to keep the course of litigation fair to all parties. Further, Burris’s
6 attempt to raise discovery disputes in response to the motion to strike is unavailing. *See generally*
7 ECF No. 89. If there is a discovery dispute, an appropriate motion should be filed to support
8 those allegations. Burris fails to set forth good cause or excusable neglect for failing to comply
9 with this court’s order and for not following the local rules. I therefore grant First Reliance’s
10 motion strike the brief (ECF No. 84) and deny plaintiff’s motion for leave (ECF No. 86).

11 Finally, Burris filed errata, ECF No. 91, which seemingly should have been attached to his
12 response to First Reliance’s motion to strike. This is an untimely attempt to amend Burris’s
13 response by adding an exhibit to his response. The response was due on March 1, 2023, and his
14 “errata” was not filed until March 12, 2023 (ECF No. 91). I therefore also strike this document as
15 untimely.

16 Plaintiff is given one last opportunity to file a timely reply brief that comports with this
17 court’s orders and the local rules. Put simply – Burris may re-file a reply brief that is limited to
18 20 pages in length. Exhibits count toward this page length. The brief may be re-filed within one
19 week of this order. Failing to comply may result in striking filings without further notice.

20 **I. Conclusion**

21 IT IS HEREBY ORDERED that defendant’s motion to strike [ECF No. 84] is
22 **GRANTED.**

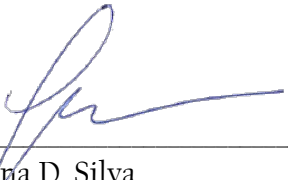
23 IT IS FURTHER ORDERED that plaintiff’s motion for leave due to misreading the
24 court’s order [ECF No. 86] is **DENIED.**

25 IT IS FURTHER ORDERED that plaintiff’s reply brief [ECF No. 83] and exhibit [ECF
26 No. 85] are **STRICKEN** from the record.

1 IT IS FURTHER ORDERED that plaintiff's errata [ECF No. 91] is STRICKEN from the
2 record.

3 IT IS FURTHER ORDERED that plaintiff may re-file a reply that conforms with this
4 district's local rules to defendant's response on or before April 5, 2023.

5 DATED: March 28, 2023

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Cristina D. Silva
United States District Judge